

**4407. Misbranding of "Opaline Suppositories." U. S. v. Gabriel R. Summers (Vanderhoof & Co.). Plea of guilty. Fine, \$50 and costs.**  
(F. & D. No. 6218. I. S. No. 6647-e.)

At the November term of the District Court of the United States for the District of Indiana, the grand jurors of the United States within and for the district aforesaid, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district returned an indictment against Gabriel R. Summers, trading as Vanderhoof & Co., South Bend, Ind., charging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on January 8, 1913, from the State of Indiana into the State of Michigan, of a quantity of "Opaline Suppositories," which were misbranded. The article was labeled: (On box) "Opaline Suppositories Directions—On retiring at night remove wrapping and insert 1 suppository into vagina (forward passage) with finger. It will become soft, then spread around womb and let it remain undisturbed for 3 days. Then use an injection of hot water. Wait two days and apply treatment again, making it every five days. Do not wait for monthly periods. When flow appears wait 4 days then apply again, flow or no flow. Price \$1.00 per box. Two Months Treatment. Vanderhoof & Co. Keep in a Cool Place. South Bend, Ind." (Similar statements in German on other side of box.) (On wrapper) "Mrs. Summers' Opaline Suppositories Trade Mark The Famous Home Treatment for all forms of Female Weakness, including Falling of the Womb, Change of Life, Displacement, Ulceration, Leucorrhœa, Distress in the Back. Profuse, Scanty or Painful Periods, Ovarian Troubles, Unnatural Growths, Bladder Irritation, Pruritis, Hot Flashes, Desire to Cry, etc. Two Months Treatment \$1.00. Prepared only by Vanderhoof & Co. Established 1892. South Bend, Indiana. Mrs. Summers' Opaline Suppositories Contain 21½ gr. Opium in one ounce, or 1½ gr. opium in each suppository. Guaranteed by Vanderhoof & Co. under Pure Food and Drugs Act, June 30, '06. No. 746. Keep in a Cool Place." (Similar statements in German on wrapper.)

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

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| Potassium aluminum sulphate (per cent)----- | 23.7  |
| Borax (per cent)-----                       | 53.31 |
| Opium (grains per ounce)-----               | 10.3  |
| Olive oil: Indicated.                       |       |
| Meconic acid: Present.                      |       |

Misbranding of the article was charged in the indictment for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On wrapper) "The Famous Home Treatment for all forms of Female Weakness, including Falling of the Womb, \* \* \* Displacement, \* \* \* Unnatural Growths \* \* \*," were false and fraudulent in that the same were applied to the article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a treatment for all forms of female weakness, including falling of the womb, displacement, and unnatural growths, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

On November 30, 1915, the defendant entered a plea of guilty to the indictment, and the court imposed a fine of \$50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*